

REMARKS

Favorable reconsideration of this application as presented herein is requested. Claims 1-59 are pending in the present application. No new matter has been added.

In the Office Action mailed May 24, 2004, the Examiner rejected claims 1-49 and 58-59 under 35 U.S.C. § 103.

Applicant respectfully responds to this Office Action.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-49 and 58-59 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,211 to Padovani in view of U.S. Patent No. 6,044,074 to Zehavi et al. and U.S. Patent No. 6,631,123 to Jiang et al. and further in view of EP1001572 to Meyers et al. To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation of, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference(s) must teach or suggest all the claim limitations.

The present invention relates to a method and apparatus for efficiently establishing a connection between an access terminal and an access network using a fast access channel and a fast access indicator. Upon receiving a fast access indicator in response to a fast access probe, an access terminal begins transmitting a traffic channel signal containing data rate control (DRC) information. The DRC information is used by the access network to transmit messages such as a traffic channel assignment message at the requested DRC rate.

The rejection contends that Zehavi discloses an access network that demodulates and compares the access probe preamble to a threshold value prior to receiving the access message. With respect, the Examiner's argument is traversed. Zehavi does not teach a modem pool transceiver that compares the signal quality of the received fast access probe preamble to a decoding threshold in order to determine whether to respond by sending a fast access indicator. (See Applicant's Specification, p.5, ll. 32-35.) Zehavi merely proposes comparing the preamble

to hypotheses that are used to demodulate the access probe. As mentioned in independent claims 1, 14, 29, 41, 58, and 59, the access network detects and compares the first portion of the access probe to a threshold value prior to transmitting a fast access indicator.

Applicant thus respectfully submits that claims 1, 14, 29, 41, 58, and 59 are not rendered obvious by Zehavi when considered alone or in combination with Padovani, Jiang, and Meyers for at least the foregoing reasons. Claims 2-13, 15-28, 30-40, and 42-49 depend from claims 1, 14, 29, 41, 58, and 59 and therefore include all the limitations of those independent claims. Since the Zehavi, Padovani, Jiang, and Meyers Patents do not render claims 1-49 and 58-59, as amended, unpatentable Applicant respectfully submits that the rejections thereof be withdrawn by the Examiner.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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**Expires: May 5, 2005**

  
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